



Docket #357

THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin
Secretary of the Commonwealth

Notice of Correction

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 780 CMR 51.00

CHAPTER TITLE: Administration

AGENCY: State Board of Building Regulations and Standards

ORIGINAL PUBLICATION REFERENCE: S 1074 Date: 3/23/07

SUMMARY OF CORRECTION:

Insert "construction of swimming pools" in exemption 1. as shown below...

5108.3.5.2 Exemptions from Construction Supervisor License Requirement. A construction supervisor's license is not required for:

1. Erection of rooftop solar collectors, the erection of signs, the erection of tents, construction of swimming pools;
2. Projects which are subject to "construction control" (see 780 CMR 2.00 for definition of "Construction control");

AGENCY CONTACT: Mike Guigli PHONE: 617-727-3200x25215

ADDRESS: One Ashburton Place 13th Floor, Boston MA, 02108

ATTESTATION - *The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency.* ATTEST:

SIGNATURE: *William Francis Galvin* DATE: 4/8/08

Publication *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: 1103 DATE: 5/2/08

EFFECTIVE DATE: 4/1/07

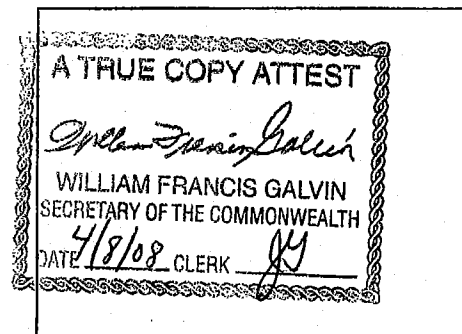
CODE OF MASSACHUSETTS REGULATIONS

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505, 506

Insert these pages:

505, 506



780 CMR: STATE BOARD OF BUILDING REGULATIONS AND STANDARDS
THE MASSACHUSETTS STATE BUILDING CODE

which he or she resides or intends to reside, on which there is, or is intended to be, a one- or two-family dwelling, attached or detached structures accessory to such use and/or farm structures. A person who constructs more than one home in a two-year period shall not be considered a homeowner.

Note: Any licensed construction supervisor who contracts to do work for a homeowner shall be responsible for performing said work in accordance with 780 CMR 51.00 through 99.00, Special Regulation 780 CMR 110.R5 and all referenced standards and/or manufacturer's recommendations, whether or not the licensed contractor secured the permit for said work.

5108.3.5.2 Exemptions from Construction Supervisor License Requirement. A construction supervisor's license is not required for:

1. Erection of rooftop solar collectors, the erection of signs, the erection of tents, construction of swimming pools;
2. Projects which are subject to "construction control" (see 780 CMR 2.00 for definition of "Construction control");
3. Agricultural buildings which are not open to the public or otherwise made available for public use;
4. Massachusetts-registered engineers and Massachusetts-registered architects (collectively referred to herein as "registered design professionals"), provided such engineers and/or architects comply with the Construction Supervisor oversight requirements set forth in Special Regulation 780 CMR 110.R5 generally and 780 CMR 5116.0, as applicable; and
5. The practice of any trade licensed by agencies of the Commonwealth, provided that any such work is within the scope of said license, including, but not limited to, wiring, plumbing, gas fitting, fire protection systems, pipefitting, HVAC and refrigeration equipment.

5108.3.5.3 Municipal Construction Licensing. No municipality shall be prohibited from requiring a license for those individuals engaged in directly supervising persons engaged in construction, reconstruction, alteration, repair, removal or demolition in those categories of buildings and structures for which the BBRS does not require a license, provided that those municipalities which have established licensing requirements for construction supervisors prior to January 1, 1975, may maintain their existing licensing requirements.

5108.3.6 Registration of Home Improvement Contractors. In accordance with the provisions of M.G.L. c. 142A, no home improvement contractor, or organization or firm shall be involved in the improvement of any existing owner-occupied one- to four-family residential building unless said home improvement contractor has registered with the BBRS in accordance with the rules and regulations for the registration of home improvement contractors as set forth in Special Regulation 780 CMR 110.R6.

5108.3.7 Certification of Inspectors of Buildings, Building Commissioners and Local Inspectors. Except as allowed for conditional appointees, no individual shall perform the duties of municipal inspectors of buildings, building commissioners or local inspectors unless certified by the BBRS as set forth in Special Regulation 780 CMR 110.R7.

5108.4 Enforcement. Whoever violates the provisions of 780 CMR 5108 or any rules and regulations promulgated hereunder, or who falsifies or counterfeits a license, registration or certification issued by the BBRS, or who fraudulently issues or accepts such a license, registration or certification shall be punished as provided in 780 CMR 5118 or shall be subject to any other penalty provided for by law.

780 CMR 5109 APPROVAL

5109.1 Approved Materials and Equipment. All materials, equipment and devices subject to approval by the building official shall be constructed and installed in accordance with such approval.

5109.2 Used Materials and Equipment. Used materials, equipment and devices which meet the minimum requirements of 780 CMR 51.00 through 99.00 for new materials, equipment and devices shall be permitted; however, the building official may require satisfactory proof that such materials, equipment and devices have been reconditioned, tested, and/or placed in good and proper working condition prior to approval.

5109.3 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of 780 CMR 51.00 through 99.00, the building official shall have the authority to grant modifications for individual cases, provided the building official shall first find that special individual reason makes the strict letter of 780 CMR 51.00 through 99.00 impractical and the modification is in compliance with the intent and purpose of 780 CMR 51.00 through 99.00 and that such modification does not lessen health, life, fire safety or structural requirements. The details of actions granting modifications shall be recorded and entered in the files of the building department. A building official may seek assistance from the District State Building Inspector for action under 780 CMR 5109. The



Docket # 424

THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 780 CMR 53.00

CHAPTER TITLE: Guards

AGENCY: Department of Public Safety

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*
Chapter 5312 controls design and construction of guards (railings) on stairs and platforms.

REGULATORY AUTHORITY: C.802 of the Acts of 1972, as amended and MGL C. 143 Sections 93-100.

AGENCY CONTACT: Robert Anderson PHONE: 617-727-3200

ADDRESS: One Ashburton Place, Room 1301, Boston, MA 02108

Compliance with M.G.L. c. 30A

EMERGENCY ADOPTION - *If this regulation is adopted as an emergency, state the nature of the emergency.*

As a result of a recent serious fall accident, openings in guards are being reduced in size.

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

N/A, emergency amendment.

PUBLIC REVIEW -- *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: Voted for by BBRS on April 15, 2008.

FISCAL EFFECT - *Estimate the fiscal effect of the public and private sectors.*

For the first and second year: Essentially similar to current code.

For the first five years: Same as above.

No fiscal effect: Same as above.

SMALL BUSINESS IMPACT - *State the impact of this regulation on small business. Include a description of reporting, record keeping and other compliance requirements as well as the appropriateness of performance versus design standards and whether this regulation duplicates or conflicts with any other regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.*

This regulation only addresses 1 & 2 family buildings and does not directly impact commercial buildings.

CODE OF MASSACHUSETTS REGULATIONS INDEX -
Stairs and landings.

List key subjects that are relevant to this regulation:

PROMULGATION - *State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) or repeal, replace or amend. List by CMR number:*

Amends Chapter 5312 of 780 CMR.

ATTESTATION - *The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency.* ATTEST:

SIGNATURE:  DATE: 4/16/08

Publication - *To be completed by the Regulations Division*

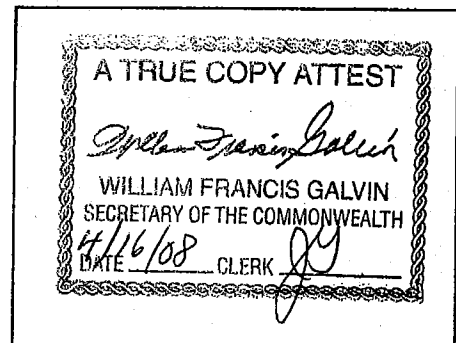
MASSACHUSETTS REGISTER NUMBER: 1103 DATE: 5/2/08

EFFECTIVE DATE: 4/16/08

CODE OF MASSACHUSETTS REGULATIONS

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THIS IS AN EMERGENCY REGULATION
THERE ARE NO REPLACEMENT PAGES



780 CMR: STATE BOARD OF BUILDING REGULATIONS AND STANDARDS
BUILDING PLANNING FOR SINGLE- AND TWO-FAMILY DWELLINGS

safety terminals. Handrails adjacent to a wall shall have a space of not less than 1½ inches (38 mm) between the wall and the handrails.

780 CMR 5312 GUARDS

5312.1 Guards Required. Porches, balconies or raised floor surfaces located more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 36 inches (914 mm) in height. Open sides of stairs with a total rise of more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 34 inches (864 mm) in height measured vertically from the nosing of the treads.

Porches and decks which are enclosed with insect screening shall be provided with guards where the walking surface is located more than 30 inches (762 mm) above the floor or grade below.

5312.2 Guard Opening Limitations. Required guards on open sides of stairways, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures which do not allow passage of a sphere four inches (102 mm) or more in diameter.

Exceptions:

1. The triangular openings formed by the riser, tread and bottom rail of a guard at the open side of a stairway are permitted to be of such a size that a sphere six inches (152 mm) cannot pass through.
2. Openings for required guards on the sides of stair treads shall not allow a sphere 4¾ inches (107 mm) to pass through.

780 CMR 5313 LIFE SAFETY SYSTEMS

5313.1 Definitions.

COMBINATION APPLIANCE: shall mean a combination photoelectric smoke detector and carbon monoxide alarm appliance which is ac powered with battery backup. Such combination appliance shall employ both simulated voice and tone alarms features which clearly distinguishes between carbon monoxide and smoke notification, in accordance with NFPA 720, 5.3.4

MULTIPLE-STATION ALARM DEVICE. Two or more single-station devices (smoke or heat detector or carbon monoxide detector) that are capable of interconnection such that actuation of one causes all integral or separate audible alarms to operate

SINGLE-STATION ALARM DEVICE. An assembly incorporating the detector (smoke or heat detector or carbon monoxide detector), control equipment and alarm sounding device in one unit that is operated from a power supply either in the unit or obtained at the point of installation.

SMOKE DETECTOR. A listed device that senses visible or invisible particles of combustion. Only photoelectric or combination photoelectric/ionization type smoke detectors shall be permitted in Massachusetts

SYSTEM-TYPE DEVICE. A device designed to be connected to a fire alarm control unit (panel). Low-power radio transmitting (wireless) systems are included as part of this definition.

5313.2 Household Fire-warning Systems.

5313.2.1 General. The household fire-warning system shall be single or multiple station or of the system type and shall consist of smoke detectors and heat detectors as required in 780 CMR 5313.

Where more than 12 smoke alarms (detectors) are installed, system-type devices must be utilized.

5313.2.2 Listing and Installation Requirements. All fire detection, notification and protection equipment and devices shall be listed and installed in accordance with the provisions of 780 CMR 5313.2, the manufacturer's instructions, the listing criteria, 527 CMR 12.00 and NFPA 72, as applicable.

5313.2.3 Interconnection within a Dwelling Unit. When more than one code-required detector must be installed, the code-required detectors shall be compatible and interconnected in such a manner that the actuation of one detector will activate all of the audible alarms.

5313.2.4 Audible Alarm Intensity. All required alarm sounding appliances shall have a minimum rating of 85 dBA at ten feet (3048 mm). Where audible appliances are installed to provide signals for sleeping areas, they shall have a sound level of at least 75 dBA measured at the pillow level in the sleeping area.

5313.2.5 Power source. All power sources and wiring must be permanent and in accordance with 527 CMR 12.00.

5313.2.5.1 Primary Electrical Power for Single-station and Multiple-station Devices. Power for single- and multiple-station devices shall be supplied from a permanently wired connection directly to an AC primary source of power. All power for AC-powered devices shall be taken from either a dedicated locked branch circuit or a single branch circuit, which also provides other electrical service to a habitable space. The power source shall be on the supply side, ahead of any switches.

5313.2.5.2 Primary Electrical Power for System-type Household Fire-warning Systems. System-type household fire-warning systems that include a listed control unit with automatic detectors and occupant notification appliances shall be powered from a permanently wired AC primary power source. Such AC primary power shall be supplied either from a dedicated locked branch circuit or the unswitched portion of a branch circuit also used for power and lighting of a habitable space, in accordance with the requirements of NFPA 72 and 527 CMR 12.00.